

Exemption No. 8123

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

Midcoast Aviation, Inc.

for an exemption from § 25.813(e), of Title 14,
Code of Federal Regulations

Regulatory Docket No. FAA-2003-15585

GRANT OF EXEMPTION

By letter dated July 7, 2003, Ms. Dawn M. Wingfield, Certification Manager, Midcoast Aviation Inc., #14 Archview Drive, St. Louis Downtown Airport, Cahokia, Illinois 62206-1445, petitioned for an exemption from the requirements of § 25.813(e) of Title 14, Code of Federal Regulations (14 CFR). The petitioner has requested the exemption in order to permit the installation of interior doors between passenger compartments on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX.

The petitioner requests relief from the following regulation:

Section 25.813(e) prohibits the installation of doors between passenger compartments.

The petitioner supports its request with the following information:

“Please consider the following petition for exemption from 14 CFR 25.813(e) submitted by Midcoast Aviation, Inc. to permit the installation of interior doors between passenger compartments in Dassault Aviation Mystere–Falcon 900 and Falcon 900EX aircraft used for corporate transport. In support of this request, Midcoast Aviation, Inc., is proposing alternative design requirements to provide a level of safety appropriate to the operation of corporate aircraft equipped with partitions in doors.

“The Dassault Aviation Mystere-Falcon 900 and Falcon 900EX have the same size and layout for the passenger cabin and have the same type interior. The Falcon 900EX is a derivative of the Mystere-Falcon 900.

“Please note that much of the text contained in this petition is identical to that contained in Exemption Numbers 7590 and 7668.

“14 CFR 11.81(a) Contact Information

Dawn Wingfield
Certification Manager
Midcoast Aviation, Inc.
#14 Archview Drive
St. Louis Downtown Airport
Cahokia, IL 62206-1445
Ph: (618) 646-8010
Fax: (618) 646-8851
e-mail: dwingfield@midcoast-aviation.com

“14 CFR 11.81(b) Specific Section From Which Exemption Is Requested

14 CFR 25.813(e)

“14 CFR 11.81(c) Extent of Relief and Reason for Seeking Relief

Relief from 14 CFR 25.813(e) is being requested for all Dassault Aviation Mystere-Falcon 900 and Falcon 900EX model aircraft altered by Midcoast Aviation, Inc. This relief is being sought because “private” areas in corporate aircraft have been and are continuing to be requested by a number of aircraft operators. The Dassault Aviation Mystere-Falcon 900 and Falcon 900EX aircraft compare with similar types of aircraft outfitted at completion and modification centers in the U.S.A. and abroad that are able to offer this feature.

“The cabin of the Dassault Aviation Mystere-Falcon 900 and Falcon 900EX is approximately seven feet wide with a maximum cabin height of approximately six feet. In order to provide a private area of the cabin, it necessary to divide the passenger cabin full width (laterally) with sliding pocket doors that extend from the cabin partitions because a side corridor is impractical.

“14 CFR 11.81(d) Reason Why Granting Relief Would be In Public Interest

In response to Exemption No. 7590 previously granted to Dassault to Dassault Falcon Jet Corporation for Mystere-Falcon 900 and Falcon 900EX aircraft, the FAA acknowledged that:

‘While the FAA is not aware of any specific incidents of economic harm as a result of different standards being applied to different private use airplanes, the FAA recognizes that significant upgrading of the occupant safety standards in recent years has made this a

distinct possibility. Further, as more airplanes are used in executive operations, differences in certification bases will become more significant in terms of the burden of compliance. This issue is generally not a factor for commercial operation, because the operation rules are typically upgraded along with the type design standards, making the requirements effectively the same for all manufacturers. For privately operated airplanes, however, this is not the case. Thus while a grant exemption is clearly in the interest of the segment of the public for which it is requested, the FAA agrees that the public at large has the potential to benefit by granting increased flexibility to the manufacture and modification of the Dassault Falcon Jet airplane models Mystere Falcon 900 and Falcon 900EX.’

“It is the contention of Midcoast Aviation, Inc. that the above referenced FAA argument is general in nature and is applicable to all private use airplanes, including the Dassault Aviation Mystere–Falcon 900 and Falcon 900EX for which this petition is being requested.

“14 CFR 11.81(e) Reasons Why Exemption Would Not Adversely Affect Safety

While a grant of exemption as requested by this petition could not be said to provide the same level of safety that would be afforded where strict compliance with the regulations, the resultant level of safety would be consistent with other private airplanes. In addition, the level of safety that would result from this exemption is specifically requested and desired by that segment of the public, namely the owners that will fly on these airplanes.

“It is noted that the FAA has previously granted exemptions to this regulation for the Dassault Aviation Mystere–Falcon 900 and Falcon 900EX (Exemptions No. 7590 and 7668) as well as several other models of private use aircraft with larger passenger capacity and more complicated floor plans than the Dassault Aviation Mystere–Falcon 900 and Falcon 900EX. It is also noted that the FAA has previously published other petitions for exemption on this same issue and received no adverse comments.

“It is the intent of this petition that, whether or not operations are “scheduled”, this exemption will not permit fares to be collected in exchange for transportation. It is also the intent of this petition that the airplane will not be used to transport the general public (common carriage) even if fares are not collected. This exemption, if granted, should not restrict one party from collecting fees from another party, as long as the airplane is operated for private use. That is, the airplane’s owner may lease the airplane to another party, who in turn operates it as a private, not-for-hire airplane.

“Where flight deck annunciation is provided to indicate improper position of the door(s), the petitioner proposes that amber lights (as opposed to white or blue) will be used. This is consistent with FAA responses to earlier exemptions from this regulation.

“Previous exemptions have required an additional limitation when an interior door is installed aft of the mid-cabin exit. The limitation is such that persons seated aft of the door can enter the compartment forward of it, even if the door is latched from the forward side. This petition also

recognizes that a cabin door (regardless of where it is located in relation to the emergency exits) must not prevent the crew from gaining access to the aft section of the cabin. This is necessary to allow the crew to render assistance to passengers who may have become incapacitated in the aft section of the cabin as well as to allow the crew to investigate and extinguish small fires that may occur in those areas. This additional requirement would be similar to existing requirements for lavatory doors and doors to Class B baggage compartments. Requiring that the interior door could be unlocked or unlatched from either side without the use of tools would ensure that the door does not prevent access in any condition.

“In consideration of the preceding discussions and those contained within the referenced exemptions, Midcoast Aviation, Inc. is requesting relief from the requirements of 14 CFR 25.813(e) to allow the installation of interior doors between passenger compartments on the Dassault Aviation Mystere–Falcon 900 and Falcon 900EX airplanes with the following provisions:

1. The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR Part 135 and 14 CFR Part 91, subpart F, as applicable.
2. Each door between passenger compartments must be frangible.
3. Each door between passenger compartments must have a means to signal the flight crew when the door is closed. Appropriate procedures/limitations must be established to ensure that takeoff and landing is prohibited when such compartments are occupied and the door is closed.
4. Each door between passenger compartments must have a dual means to retain it in the open position, each of which must be capable of reacting the inertia load specified in 14 CFR 25.561.
5. When doors are installed in transverse partition, they must translate laterally to open and close.
6. When doors are installed in specified egress path, each passenger must be informed that the airplane does not comply with the occupant safety requirements mandated for the airplane type in general. This notification is only required the first time that a person is a passenger on the airplane.
7. Each door between passenger compartments (regardless of where it is located in relation to the emergency exits) must allow persons on either side of the door to unlock or unlatch the door without the use of tools.

“14 CFR 11.81(f) Summary For Publication In Federal Register

Midcoast Aviation, Inc. seeks exemption from 14 CFR 25.813(e) to allow the installation of a door dividing the passenger cabin in Dassault Aviation model Mystere-Falcon 900 and Falcon 900EX aircraft. Certain design features would be required to ensure that the door would not adversely affect safety.

“14 CFR 11.81(g) Additional Information To Support Request

Exemption No. 7590 (Regulatory Docket No. FAA-2001-9619-3) issued to Dassault Falcon Jet Corporation on August 10, 2001, and Exemption No. 7668 (Regulatory Docket No. FAA-2001-10870-2) issued to Garrett Aviation Services on November 27, 2001, is attached. These exemptions are provided as evidence that the FAA has previously granted exemption from the same regulation, with the same provisions, for the same type aircraft as that which is being requested by this petition.

“14 CFR 11.87 Good Cause For Not Publishing in Federal Register

Midcoast Aviation, Inc. believes that there is good cause for not publishing this petition for exemption in the Federal Register for the following reasons:

1. Granting this petition would not set a precedent since the FAA has previously granted exemptions to this regulation for the same model aircraft (e.g. Exemptions No. 7590 and 7668 for Dassault Mystere-Falcon 900 and Falcon 900EX) as well as several other models of private use aircraft (e.g. Exemption No. 6820A for Boeing Model 737-700 IGW, Exemption No. 7107 for Boeing model 757, and Exemption No. 7455 for Bombardier Model BD-700-1A10). The FAA previously published other petitions for exemption on this same issue and received no adverse comments.
2. The relief being requested is identical to exemptions that were granted previously to Dassault Falcon Jet Corporation and Garrett Aviation Services for the Dassault Aviation Mystere-Falcon 900 and Falcon 900EX.
3. Delaying action on this petition would have significant adverse affect on Midcoast Aviation, Inc. by causing delay in certification which, in turn, would delay the delivery and collection of revenue from Falcon 900/900EX aircraft customers who have already requested the installation of doors dividing their passenger cabin.

“Midcoast Aviation, Inc. believes that the above arguments fully support an exemption to permit doors to be installed in partitions which divide the passenger cabin in Dassault Aviation Mystere-Falcon 900 and Falcon 900EX aircraft. Midcoast Aviation, Inc. respectfully request that you review the above and consider this petition for exemption from 14 CFR 25.813(e) on behalf of Midcoast Aviation, Inc.”

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication and comment because the exemption, if granted, would not set a precedent and any delay in acting on this petition would be detrimental to Midcoast Aviation, Inc.

The FAA's analysis/summary is as follows:

The FAA has reviewed the applicant's petition for exemption and the proposed exemption limitations that have been submitted. We concur with the applicant's petition and the proposed exemption limitations, except one. We do not agree that the proposed exemption limitation No. 6 is necessary and therefore have not included it in this Grant of Exemption document.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, the petition of Midcoast Aviation, Inc., for an exemption from the requirements of 14 CFR § 25.813(e), to allow installation of interior doors between passenger compartments, on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX, is granted, with the following provisions:

1. The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR part 125 and 14 CFR part 91, subpart F, as applicable.
2. Each door between passenger compartments must be frangible.
3. Each door between passenger compartments must have a means to signal to the flightcrew when the door is closed. Appropriate procedures/limitations must be established to ensure that takeoff and landing is prohibited when such compartments are occupied and the door is closed.
4. Each door between passenger compartments must have dual means to retain it in the open position, each of which must be capable of reacting the inertia loads specified in 14 CFR § 25.561.
5. When doors are installed in transverse partitions, they must translate laterally to open and close.

6. Each door between passenger compartments (regardless of where it is located in relation to the emergency exits) must allow persons on either side of the door to unlock or unlatch the door without the use of tools.

Issued in Renton, Washington, on September 3, 2003

/s/

Ali Bahrami
Acting Manager,
Transport Airplane Directorate
Aircraft Certification Service, ANM-100